

BMS

(14)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CLAY CALDWELL

Petitioner,

v.

LOUIS FOLINO, ET AL.

Respondents.

CIVIL ACTION

NO. 07-5158

ORDER

AND NOW, this *6* day of *MAY*, 2008, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, the Response and Rebuttal thereto, and after review of the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport dated April 18, 2008, *and objections thereto* IT IS HEREBY ORDERED that:

1. the Report and Recommendation is APPROVED and ADOPTED;
2. the Petition for Writ of Habeas Corpus is DENIED with prejudice and DISMISSED without an evidentiary hearing; and
3. there is no probable cause to issue a certificate of appealability.

BY THE COURT:

BMS

Berle M. Schiller, J.